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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/932,652	08/17/2001	Masayu Higuchi	P/3541-14	4577
2352	7590	09/09/2004	EXAMINER	
OSTROLENK FABER GERB & SOFFEN 1180 AVENUE OF THE AMERICAS NEW YORK, NY 100368403			HO, TUAN V	
			ART UNIT	PAPER NUMBER
			2615	

DATE MAILED: 09/09/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/932,652	HIGUCHI, MASAYU	
	Examiner	Art Unit	
	Tuan V Ho	2615	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on ____.
- 2a) This action is **FINAL**. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-15 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) Claim(s) ____ is/are allowed.
- 6) Claim(s) 1-15 is/are rejected.
- 7) Claim(s) ____ is/are objected to.
- 8) Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 17 August 2001 is/are: a) accepted or b) objected to by the Examiner. Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a). Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. ____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) Notice of References Cited (PTO-892)
- 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 8/17/01 & 11/17/03.
- 4) Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____.
- 5) Notice of Informal Patent Application (PTO-152)
- 6) Other: ____.

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1. The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed.

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-4, 6-7, 9 and 12-15 are rejected under 35 U.S.C. 102(e) as being anticipated by Yokonuma (US 6,359,651).

With regard to claim 1, Yokonuma discloses in Fig. 1, an electronic camera that comprises the light emission means (electronic flash unit 200, col. 5, line 67), preliminary light emission and main emission (preliminary photographing light operation and main photographing light operation, col. 7, lines 37-38 and col. 8, lines 58-60), imaging element (CCD 4, col. 6, line 26 and lines 34-52), and amplifying means (control

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circuit 6, col. 6, line 47-52), and setting means for setting a gain for the amplifying means (CPU 20, col. 6, line 49).

With regard to claim 2, Yokonuma discloses in Fig. 1, an electronic camera that comprises the setting means increasing the gain (flash unit 200 is set to maximum light emission quantity in step S141; however, the gain is set at step S143 so as to obtain a desired magnitude of exposure, col. 11, lines 43-63).

With regard to claim 3, Yokonuma discloses in Fig. 1, an electronic camera that comprises the photographing mode selecting means (CPU 20 can set a photographing mode in accordance with the gain setting, cols. 9-11 and Figs. 3 and 4).

With regard to claim 4, Yokonuma discloses in Fig. 1, an electronic camera that comprises the gain is not changed (the gain is set at a specific value when an arithmetic operation unit calculates the quantity of underexposure occurring, col. 3, line 4-7; in other words, the gain is not changed when the difference of light reflected from a preliminary flash and no flash is qualified as an underexposure condition).

Claim 6 recites what was discussed with respect to claim 3.

Claim 7 recites what was discussed with respect to claim 4.

Claim 9 recites what was discussed with respect to claim 4.

With regard to claim 12, claim 12 recites what was discussed with respect to claim 4; furthermore, Yokonuma discloses in Fig. 1, an electronic camera that comprises the optimum setting value calculating means (CPU 20) and set value (gain set or sensitivity ratio, col. 11, lines 16-25).

Claim 13 recites what was discussed with respect to claim 12.

With regard to claim 14, Yokonuma discloses in Fig. 1, an electronic camera that comprises the emission amount control means and gain control means (camera CPU 20).

Claim 15 recites what was discussed with respect to claim 12.

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 5, 8, 10 and 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yokonuma.

With regard to claim 5, Yokonuma discloses the same subject matter as discussed with respect to claim 1, except that the setting means generates an alarm when the gain is changed in the main light emission.

Yokonuma does not disclose any alarm when the gain is changed in main light emission. Official Notice is taken for an alarm turn on when a gain in a camera circuit is changed.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate an alarm signal when the gain is changed in the main light emission in the Yokonuma camera circuit so as to notify a user the quantity of the main emission flash set maximum. That is because the modification of the Yokonuma circuit would allow a user to use other exposure settings to compensate for the maximum flash amount and thereby to improve image exposure quality.

Claim 8 recites what was discussed with respect to claim 5.

Claim 10 recites what was discussed with respect to claim 5.

Claim 11 recites what was discussed with respect to claim 5.

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4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Kurokawa (US 6,426,775) discloses an image pickup apparatus that includes first and second light emissions.

Nakajima (US 6,069,659) discloses an electronic camera that comprises preliminary and main flash emissions.

Sugimoto (US 6,441,856) discloses a digital camera that comprises preliminary and main light emissions.

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to TUAN HO whose telephone number is (703) 305-4943. The examiner can normally be reached on Mon-Fri from 7AM to 4PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew Christensen, can be reached on (703) 308-9644. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-4700.

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A handwritten signature in black ink, appearing to read "Tuan Ho".

TUAN HO

Primary Examiner

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